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1 In October of 2014 Governor Brown signed AB 1826 Chesboro (Chapter 727, Statutes  
2 of 2014), which requires businesses to recycle their organic waste on and after April 1, 2016,  
3 depending on the amount of waste they generate per week. Organic waste means food waste,  
4 green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper  
5 waste that is mixed in with food waste. This law phases in the mandatory recycling of  
6 commercial organics over time, with the minimum threshold of organic waste generation by  
7 businesses decreasing over time. This chapter establishes the City of Colton Commercial  
8 Organic Waste Recycling Program.

10 B. Application.

11 The provisions of this chapter shall apply to all businesses as defined in the mandatory  
12 organics recycling law, which defines a business as a commercial or public entity (such as a  
13 school or hospital) including multifamily residential dwellings (5 units or more), that generates  
14 a specified amount of organic waste within the city limits (multifamily dwellings are not  
15 required to have a food waste diversion program). A business that meets the waste generation  
16 threshold shall engage in one of the following organic recycling activities:

18 - Source separate organic waste from other waste and participate in a waste  
19 recycling service provided through the City's waste hauler that includes collection and  
20 recycling of organic waste.

22 - Recycle its organic waste on site, or self-haul its organic waste off site for  
23 recycling.

24 - Subscribe to an organic waste recycling service that may include mixed waste  
25 processing that specifically recycles organic waste.

26 Businesses may be required to show proof of compliance.

27 C. Implementation Schedule.

1 The implementation schedule is as follows:

2 - April 1, 2016: Businesses that generate eight cubic yards of organic waste per  
3 week shall arrange for organic waste recycling services.

4 - January 1, 2017: Businesses that generate four cubic yards of organic waste per  
5 week shall arrange for organic waste recycling services.

6 - January 1, 2019: Businesses that generate four cubic yards or more of  
7 commercial solid waste per week shall arrange for organic waste recycling services.

8 - Summer/Fall 2021: If CalRecycle determines that the statewide disposal of  
9 organic waste in 2020 has not been reduced by 50 percent of the level of disposal during 2014,  
10 the organic recycling requirements on businesses will expand to cover businesses that generate  
11 two cubic yards or more of commercial solid waste per week. Additionally certain exemptions  
12 may no longer be available if this target is not met.

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15 D. Exemptions.

16 On a case-by-case basis, individual businesses may be exempt from the organic waste  
17 recycling requirements. Exemptions may include, but are not limited to the following:

18 - Lack of sufficient space in multifamily complexes or businesses to provide  
19 additional organic material recycling bins.

20 - The current implementation by a business of actions that result in the recycling  
21 of a significant portion of its organic waste.

22 - Limited-term exemptions for extraordinary and unforeseen events.

23  
24 E. Enforcement.

25 It will be the responsibility of the waste hauler to implement and enforce this program  
26 as provided in the current agreement between the City and the waste hauler. At the time this  
27 chapter was adopted Republic Services, Inc. (Contractor) was the waste hauler. Under the  
28

1 current agreement, it is stated that:

2       *"Contractor shall provide Commercial Organic Waste Collection services for*  
3 *Commercial Customers in the City generating eight cubic yards or more of Organic Waste*  
4 *per week. Contractor shall provide appropriate containers to Commercial Customers and*  
5 *provide weekly collection for such Commercial Organic Waste containers. Contractor will*  
6 *deliver the Collected Organic Waste to a Composting or Processing Facility approved by*  
7 *the City for composting, anaerobic digestion, use as animal feedstock or other means of*  
8 *diversion accepted by CalRecycle, depending on the reasonable availability of a Composting*  
9 *or Processing Facility and as permitted by Applicable Law."*  
10

11       Collection of all associated fees shall be subject to all provisions under the current  
12 franchise agreement with the waste hauler, and as outlined in the most recently adopted Waste  
13 Hauler Fee schedule.  
14

15       F. Incompatible provisions.

16       To the extent any provision of this chapter is incompatible with or at variance with any  
17 prior adopted ordinance or resolution, the provisions of this chapter shall take precedence, and  
18 all prior ordinances and resolutions shall be interpreted to harmonize with and not change the  
19 provisions of this chapter.  
20

21       G. Severability.

22       If any provision, section, subsection, sentence, clause or phrase of this chapter, or the  
23 application of same to any person or set of circumstances is held to be unconstitutional, void,  
24 or invalid, such decision shall not affect the remaining portions of this chapter which shall  
25 remain in full force and effect, and all provisions of this chapter are declared to be severable  
26 for that purpose.  
27

28       **SECTION 2.** This ordinance shall take force and effect thirty (30) days after its

1 adoption.

2 **SECTION 3.** The City Clerk shall certify to the adoption of this Ordinance and cause  
3 it, or a summary of it, to be published in a newspaper of general circulation printed and  
4 published within the City of Colton in accordance with law.

5 **PASSED, APPROVED AND ADOPTED** this 5th day of April, 2016.

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9 RICHARD A. DELAROSA, Mayor

10 ATTEST:

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12 CAROLINA R. PADILLA, City Clerk  
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1     **STATE OF CALIFORNIA**                     )  
2     **COUNTY OF SAN BERNARDINO**             ) ss  
3     **CITY OF COLTON**                     )

4                                     **CERTIFICATION**

5             **I, CAROLINA R. PADILLA**, City Clerk of the City of Colton, California, do  
6 hereby certify under penalty of perjury that the foregoing is a full, true and correct copy of  
7 **ORDINANCE NO. O-06-16**, and was duly passed , approved, and adopted by the City  
8 Council of the City of Colton at its Regular Meeting held on the **5<sup>th</sup> day of April, 2016**,  
9 by the following vote to wit:

10	AYES:	COUNCILMEMBER	Toro, Jorrin, Navarro, González,
11			Suchil, and Mayor DeLaRosa
12	NOES:	COUNCILMEMBER	None
13	ABSTAIN:	COUNCILMEMBER	None
14	ABSENT:	COUNCILMEMBER	Bennett

15  
16             **IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official  
17 seal of the City of Colton, California, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

18  
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21 \_\_\_\_\_  
22 **CAROLINA R. PADILLA**  
23 City Clerk  
24 City of Colton

25  
26  
27  
28 (SEAL)